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S/CT FOR REAP

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SUBJECT: 1999 ANNUAL TERRORISM REPORT

REF: STATE 204472

1. THE FOLLOWING IS POST'S RESPONSE TO REFTEL REQUESTING INPUT FOR THE DEPARTMENT'S 1999 ANNUAL TERRORISM REPORT. THE GOVERNMENT OF SRI LANKA (GSL) CONTINUED TO BATTLE THE SEPARATIST LIBERATION TIGERS OF TAMIL EELAM (LTTE), THE ONLY TERRORIST GROUP CURRENTLY BELIEVED TO BE ACTIVE IN SRI LANKA. ON OCTOBER 8, THE DEPARTMENT RE-DESIGNATED THE LTTE AS A FOREIGN TERRORIST ORGANIZATION UNDER PROVISIONS OF THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996. THROUGHOUT 1999 THE GSL CONTINUED MILITARY OPERATIONS AGAINST THE LTTE. A SERIES OF OFFENSIVES BEGINNING IN MARCH AND A COUNTEROFFENSIVE BY THE LTTE IN NOVEMBER LED TO SEVERAL THOUSAND CASUALTIES FROM BOTH GROUPS. LTTE TERRORIST ACTIVITIES CONTINUED DURING THE YEAR, WITH, FOR EXAMPLE, THE ASSASSINATION BY THE LTTE ON JULY 29 OF MODERATE TAMIL POLITICIAN DR. NEELAN TIRUCHELVAM, THE SEPTEMBER 18 KILLING OF MORE THAN FIFTY CIVILIANS IN THE AMPARAI DISTRICT IN RETALIATION FOR A SRI LANKAN AIR FORCE ATTACK IN THE NORTH, AND THE SEPTEMBER HIJACKING OF A CHINESE VESSEL WHICH HAD COME TOO CLOSE TO THE SRI LANKAN COASTLINE.

THE FOLLOWING RESPONSES ARE KEYED TO QUESTIONS A THROUGH K IN PAR-A 3 OF REFTEL.

2. (A) THERE WERE NO GSL PROSECUTIONS OF PEOPLE INVOLVED IN INTERNATIONAL TERRORISM OR SIGNIFICANT ACTS OF DOMESTIC TERRORISM. MANY SUSPECTED MEMBERS OF THE LTTE HAVE BEEN ARRESTED AND DETAINED UNDER THE EMERGENCY REGULATIONS AND THE PREVENTION OF TERRORISM ACT AND SOME HAVE BEEN CHARGED WITH RELATIVELY MINOR OFFENSES SUCH AS WITHHOLDING INFORMATION. NO IMPORTANT LTTE LEADER HAS EVER BEEN APPREHENDED AND PROSECUTED. LTTE HEAD VELUPILLAI PRABHAKARAN AND NINE OTHER LTTE MEMBERS REMAIN INDICTED FOR COMPLICITY IN THE JANUARY 1996 CENTRAL BANK BOMBING.

(B) THE GSL DID NOT EXTRADITE OR REQUEST THE EXTRADITION OF SUSPECTED TERRORISTS FOR PROSECUTION DURING THE YEAR. THE U.S. GOVERNMENT DID NOT REQUEST ANY EXTRADITIONS OR ASK FOR ASSISTANCE IN TERRORIST CASES. IN JUNE 1995, THE GOVERNMENT OF INDIA REQUESTED THE EXTRADITION OF LTTE HEAD PRABHAKARAN AND TWO OTHER SENIOR LTTE MEMBERS (INTELLIGENCE CHIEF POTTU AMMAN AND WOMEN'S WING LEADER AKILA, THE LATTER OF WHOM IS NOW BELIEVED DEAD) FOR THE ASSASSINATION OF RAJIV GANDHI. EXTRADITION PROCEEDINGS HAVE NOT BEGUN, AND IT SEEMS UNLIKELY THESE LTTE LEADERS WILL BE APPREHENDED IN ANY EVENT.

(C) POST IS AWARE OF NO SIGNIFICANT IMPEDIMENTS TO GSL PROSECUTION AND/OR EXTRADITION OF SUSPECTED TERRORISTS. IN FACT, EXTRADITION BETWEEN THE U.S. AND SRI LANKA WAS FACILITATED BY THE SEPTEMBER 30 SIGNING OF A GENERAL EXTRADITION TREATY BETWEEN THE TWO COUNTRIES, REPLACING A 1932 TREATY BETWEEN THE U.S. AND UK, THE THEN COLONIAL POWER. TERRORISM IS ILLEGAL UNDER THE PREVENTION OF TERRORISM ACT. SRI LANKAN EXTRADITION LAW PERMITS EXTRADITION OF INDIVIDUALS TO OTHER COMMONWEALTH COUNTRIES. MOREOVER, SRI LANKA IS A SIGNATORY TO THE 1988 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) REGIONAL CONVENTION ON THE SUPPRESSION OF TERRORISM, WHICH DESIGNATES CERTAIN ACTS SPECIFICALLY AS TERRORIST ACTS AND NOT AS POLITICAL ACTS, THEREBY NULLIFYING ATTEMPTS BY TERRORIST ORGANIZATIONS TO CLAIM

POLITICAL MOTIVATIONS FOR VIOLENCE. THE GSL THEREFORE SEEMS OBLIGED TO COOPERATE WITH THE REQUESTS FROM INDIA FOR THE EXTRADITION OF PRABHAKARAN AND POTTU AMMAN, THOUGH IT IS LIKELY THAT ITS OWN PROSECUTION WOULD TAKE PRECEDENCE -- ESPECIALLY NOW PRABHAKARAN HAS ACTUALLY BEEN INDICTED FOR A TERRORIST ACT.

(D) ITSELF A TARGET OF A TERRORIST ORGANIZATION, THE GSL HAS BEEN STRONGLY SUPPORTIVE OF INTERNATIONAL EFFORTS TO ADDRESS THE PROBLEM OF TERRORISM. THE GSL COOPERATED FULLY WITH THE GOVERNMENT OF INDIA IN ITS INVESTIGATION OF THE RAJIV GANDHI ASSASSINATION. SRI LANKA HAS BEEN QUICK TO CONDEMN INTERNATIONAL TERRORIST ATTACKS IN OTHER COUNTRIES, IS A SIGNATORY TO THE TOKYO, THE HAGUE AND MONTREAL CONVENTIONS AGAINST TERRORISM, AND HAS PASSED THE NECESSARY ENABLING LEGISLATION FOR ALL THREE PROTOCOLS.

(E) THE GSL IS CONDUCTING ONGOING COUNTER-TERRORIST AND COUNTER-INSURGENCY OPERATIONS AGAINST THE LTTE, INCLUDING MILITARY ACTIONS AND SPECIAL MEASURES TO PROTECT URBAN AREAS, IMPORTANT INSTALLATIONS AND GOVERNMENT LEADERS. THESE ARE AIMED AT WEAKENING THE LTTE AND INHIBITING ITS ABILITY TO CONDUCT TERRORIST ATTACKS AS WELL AS MILITARY OPERATIONS. THE GSL ADDRESSED TERRORISM ISSUES THIS YEAR IN SEVERAL INTERNATIONAL FORA INCLUDING THE UNGA IN NEW YORK (WHERE IT TOOK A LEADERSHIP ROLE IN DRAFTING THE RECENT CONVENTION RESTRICTING FINANCING OF TERRORISM) AND THE UNHRC IN GENEVA.

(F) THE GSL DOES NOT SUPPORT INTERNATIONAL TERRORISM.

(G) THE GSL HAS MADE NO PUBLIC STATEMENTS IN SUPPORT OF A TERRORIST-SUPPORTING COUNTRY ON A TERRORISM ISSUE. HOWEVER, IT HAS NOT ACTIVELY PARTICIPATED IN INTERNATIONAL CONDEMNATION OF THE TERRORIST ACTIVITIES OF LIBYA, IRAQ, IRAN AND SUDAN.

(H) THERE HAS BEEN NO CHANGE IN 1999. THE GSL VIEWS THE CONTINUING USG DESIGNATION OF THE LTTE AS A FOREIGN TERRORIST ORGANIZATION AS A MAJOR BREAKTHROUGH IN ITS ANTI-TERRORISM EFFORTS. THE USG DESIGNATION HAS ENCOURAGED THE GSL TO MAINTAIN ITS APPROACH TO COMBATING TERRORISM BOTH DOMESTICALLY AND INTERNATIONALLY. THE GSL USES THE U.S. DESIGNATION TO URGE OTHER COUNTRIES, SUCH AS THE UK, TO RESTRICT THE LTTE LIKEWISE.

(I) THE GSL HAS ACCEPTED THE U.S. OFFER OF INCREASED ASSISTANCE UNDER THE ANTI-TERRORISM ASSISTANCE PROGRAM (ATA). IN 1999, NINETEEN SRI LANKAN SECURITY FORCES PERSONNEL WERE TO TAKE PART IN A SENIOR CRISIS MANAGEMENT SEMINAR UNDER THIS PROGRAM. DUE TO REVERSES IN THE WAR, HOWEVER, SRI LANKA CANCELLED ITS PARTICIPATION IN THE EVENT. IN 1998, SRI LANKAN SECURITY FORCES PERSONNEL TOOK PART IN SEPARATE TRAINING PROGRAMS IN EXPLOSIVE INCIDENT COUNTERMEASURES, VITAL INSTALLATION SECURITY, AND POST-BLAST INVESTIGATION. THE GSL HELPED DRAFT AND WAS THE FIRST COUNTRY TO SIGN THE INTERNATIONAL PROTOCOL AGAINST BOMBING AT THE UN IN JANUARY 1998 (THE USG SIGNED SECOND). IN 1997, SRI LANKA RATIFIED THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION. IN ADDITION, IT IS EITHER A SIGNATORY, OR HAS TAKEN THE NECESSARY INTERNAL STEPS TO BECOME A SIGNATORY, TO THE 1979 CONVENTION AGAINST THE TAKING OF HOSTAGES, AND THE 1979 CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIALS. THOUGH THE GSL HAS YET TO RATIFY THE 1991 CONVENTION OF THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSES OF DETECTION, AND THE 1988 CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, THE MINISTRY OF FOREIGN AFFAIRS HAS INDICATED THAT THE GSL IS RECEPTIVE TO BECOMING A SIGNATORY.

(J-1) THE GSL HAS COOPERATED FULLY WITH U.S. OFFICIALS INVESTIGATING POSSIBLE VIOLATIONS OF U.S. LAW BY INTERNATIONAL TERRORIST ORGANIZATIONS.

(J2) THERE HAVE BEEN NO CONFIRMED CASES OF TERRORIST ACTS DIRECTED AGAINST U.S. CITIZENS IN SRI LANKA.

(K) THE U.S. GOVERNMENT HAS MADE SEVERAL REQUESTS TO THE GSL FOR ADDITIONAL SECURITY MEASURES FOR U.S. PERSONNEL AND FACILITIES IN SRI LANKA. ALL REQUESTS HAVE BEEN MET EXPEDITIOUSLY BY THE GSL. THESE REQUESTS WERE MADE TO ENHANCE SECURITY IN GENERAL AND NOT IN RESPONSE TO ANY IDENTIFIABLE THREAT.

DONNELLY